

# State of South Dakota

## SEVENTY-FIFTH SESSION LEGISLATIVE ASSEMBLY, 2000

826D0618

### SENATE BILL NO. 101

Introduced by: Senators Dunn (Rebecca), Dennert, Duxbury, Flowers, Hutmacher, Kloucek, Lange, Lawler, Olson, Reedy, and Symens and Representatives Haley, Davis, Fischer-Clemens, Kazmerzak, Koetzle, Lockner, Lucas, Patterson, Sutton (Daniel), and Waltman

1 FOR AN ACT ENTITLED, An Act to provide for periodic judicial review of any child in need  
2 of supervision in the custody of the Department of Corrections.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That chapter 26-8B be amended by adding thereto a NEW SECTION to read as  
5 follows:

6 If any child in need of supervision, as defined in § 26-8B-2, has been in the custody of the  
7 Department of Corrections for a continuous period of sixty days, the department shall, before  
8 thirty additional days have elapsed, bring the child before the circuit court of the county in which  
9 the child is physically located. The court shall conduct a dispositional review hearing, at which  
10 time the court may restore the child to the custody of either or both parents, affirm the custody  
11 of the Department of Corrections, or enter any other appropriate decree as provided for in § 26-  
12 8B-6.

13 Section 2. That chapter 26-8B be amended by adding thereto a NEW SECTION to read as  
14 follows:

15 The Department of Corrections shall give timely notice to the parents of any child in need

1 of supervision of the time, place, and nature of any dispositional review hearing as provided for  
2 in section 1 of this Act. The court shall hear any parent who appears at such hearing, and the  
3 court may, at its discretion, order the attendance of any parent or other relevant witness if, in the  
4 opinion of the court, the presence or testimony of the parent or other witness is necessary or  
5 appropriate.